THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.15081 OF 2006

DATED: 31-08-2007

Between:

K. Govardhan

.. Petitioner

and

The Managing Director, Milk Products Factory, The Kurnool District Milk Producers Mutually Aided Cooperative Union Limited, Nandyal, Kurnool District and another.

.. Respondents

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WRIT PETITION NO.15081 OF 2006

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ORDER:

This writ petition is filed seeking a mandamus declaring the proceedings No.19/E2/MD, dated 03.07.2006, passed by the 1st respondent - Managing Director, Kurnool District Milk Producers Mutually Aided Cooperative Union Limited, Nandyal, Kurnool, as arbitrary and illegal.

Under the impugned order, dated 03.07.2006, the petitioner, who was working as a driver in the Kurnool District Milk Producers Mutually Aided Cooperative Union Limited, Nandyal, was reverted as Time Scale Worker and also prohibited permanently from working as driver, on certain misconduct. The grievance of the petitioner is that all the allegations levelled against him are false and even if it is assumed that he is involved in the misconduct alleged, imposing the punishment of reversion as Time Scale Worker and prohibiting permanently from working as a driver, without conducting any enquiry whatsoever, is arbitrary and illegal.

The respondents filed counter denying the allegations made by the petitioner, wherein it is asserted that the petitioner is in the habit of attending to duties consuming liquor and has been caught red handed on one such occasion and was enquired about his attitude on the spot and, therefore, action has been initiated. It was further stated that continuance of the petitioner as driver is hazardous to the organization as well as the traveling public.

I am of the opinion that, ex facie, the impugned order is illegal. It does not reveal that any enquiry has been conducted for the

misconduct enumerated therein against the petitioner. The Board seems to have passed a resolution opining that continuance of the petitioner as a driver would not only endanger the interest of the organization, but is also hazardous for the traveling public and consequently the impugned order has been passed. May be, the petitioner was involved in grave misconducts and his continuance as driver would be dangerous to the traveling public and property of the organization, but, that does not mean that he can be imposed punishment of reversion as Time Scale Worker, without conducting any enquiry and without giving him an opportunity to defend himself. Therefore, the impugned order does not stand the scrutiny of law and is in gross violation of principles of natural justice, and is, therefore, liable to be set aside.

Accordingly, the impugned order is set aside and the respondents are directed to conduct an enquiry into the misconducts alleged against the petitioner, keeping him under suspension during the pendency of such enquiry.

With the above direction, the writ petition is allowed. No costs.

C.V. RAMULU, J

31st August, 2007.
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